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January 3, 2012

Via ECF

Hon. Roslynn R. Mauskopf
United States District Court, Eastern District of New York
225 Cadman Plaza East, Courtroom 6A
Brooklyn, NY 11201

Re: *Efraim Setton, et al. v. Cohen Hurkin Ehrenfeld Pomerantz & Tenenbum, LLP*
CV-12-4102 (RRM-SMG)

Dear Judge Mauskopf:

I represent Plaintiffs in this matter. The Defendant has filed a request for a pre-motion conference and permission to file a motion to dismiss (the "Defendant's Application").

On January 2, 2013 the Plaintiffs filed a First Amended Verified Complaint (the "Amended Complaint"). The Amended Complaint makes moot the issues raised by Defendant regarding the statute of limitations and the date on which the Defendant violated the Fair Debt Collection Practices Act. (the "FDCPA"). The Amended Complaint clearly evidences that the Defendant violated the FDCPA on August 17, 2011 and thus this action was duly commenced within one year of Defendant's violation of the FDCPA.

With the timely filing of the Amended Complaint the record now reflects that the issues raised in the Defendant's Application are moot. In the interest of useful expenditure of the resources of this Court and the parties, we respectfully request that the court deny the Defendant's Application unless a reasonable basis to support Defendant's Application is submitted to this Court.

Respectfully submitted,

Levi Huebner & Associates, PC

/ s / Levi Huebner

Levi Huebner

Cc: Via ECF To:

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